

*Application Serial No. 10/791,639  
Attorney Docket No. 141803.1010*

## REMARKS

This is a full and timely response to the outstanding Office Action mailed January 31, 2006, in which claims 1-12 remain pending. In the Office Action, claims 1-12 stand rejected.

In response herein, claims 1, 6-9, and 14 are amended. Claims 13-21 are added. Applicant respectfully submits that all claims 1-21 are accordingly allowable over the references of record and requests that claims 1-21 be allowed for patenting.

### **I. Replacement Drawing Sheets**

FIGS. 1-3 were objected to for failing to comply with 37 C.F.R. § 1.84(p)(4). In response, Applicant submits herewith replacement sheets for each of FIGS. 1-3 to correct the nonsubstantive errors. Specifically, reference number "20" in the originally filed drawings has been changed to reference numeral "21," which comports with the specification, as it was originally filed. Plus, the leader lines from each of reference numerals 19 and 20 have been extended to further clarify the item referenced in the specification. Finally, a new reference numeral "20" has been added in correspondence to the specification's similar description thereof. No changes were made to any other drawings. Therefore, Applicant believes that all drawing objections are corrected by these replacement sheets, which do not add new matter to Applicant's application.

### **II. Claim Informalities**

Claims 1, 6, and 7 were objected to for minor informalities. Applicant has amended each of claims 1, 6, and 7 and believes that all such informalities are obviated.

### **III. Claim Rejections Pursuant to 35 U.S.C. § 112, Second Paragraph**

Claims 1, 8, and 9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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Applicant regards as the invention. In response, Applicant desires to clarify that the amendments to claims 1, 8, and 9 have been made for purposes of better defining the claims in response to the rejections made under 35 U.S.C. § 112, and not in response to rejections made based on prior art.

Indeed, Applicant submits that no substantive limitations have been added to the claims. Therefore, no prosecution history estoppel arises from this/these amendment/amendments. *Black & Decker, Inc. v. Hoover Service Center*, 886 F.2d 1285, 1294 n. 13 (Fed. Cir. 1989); *Andrew Corp. v. Gabriel Electronics, Inc.*, 847 F.2d 819 (Fed. Cir. 1988); *Hi-Life Products Inc. v. American National Water-Mattress Corp.*, 842 F.2d 323, 325 (Fed. Cir. 1988); *Mannesmann Demag Corp. v. Engineered Metal Products Co., Inc.*, 793 F.2d 1279, 1284-1285 (Fed. Cir. 1986).

#### **IV. Rejection of Claims 1-12 Pursuant to 35 U.S.C. § 103**

Claims 1-12 currently stand rejected pursuant to 35 U.S.C. § 103 as being unpatentable over various combinations of references. However, Applicant contends that the amendments to at least claims 1 and 8 render all of claims 1-12 allowable for patenting over the reference combinations cited in the Office Action.

As a mere example, none of the reference combinations teaches, suggests, or discloses at least the feature of "a handle having a linkage coupled to the connection point of each of the first and second extendable members, wherein the handle may be oriented about the connection point of each of the first and second extendable members into an essentially parallel orientation respective to each of the first and second extendable members," as recited in claim 1 (and in similar fashion in claim 8). Similarly, none of the references teaches, suggests or discloses at least the feature of "a handle having a flexible linkage coupled proximate to top ends of each of the first and second extendable members so that the handle is selectively movable between a position that is essentially parallel to each of the first and second extendable members and a

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position that is substantially transverse to each of the first and second extendable members," as recited in new claim 17. Applicant asserts that claims 1-21 are allowable for additional reasons, but the reference combinations cited in the Office Action fail to teach, suggest, or disclose at least these features quoted herein. Thus, Applicant contends that claims 1-21 are allowable.

Applicant also respectfully submits that the Cory, *et al.* and Giles references are two that should not be combined. Giles appears to disclose a front mounted bicycle carrier. The carrier does not have wheels, nor does it have a handle (but, rather, a horizontal crossmember (10) as part of the fixed frame). The Office Action rejection that combines Cory *et al.* with Giles does not articulate a motivation, suggestion or teaching that would lead a skilled artisan at the time of the invention to combine the elements in the hand carrier of Cory, *et al.* and the bicycle carrier of Giles. Therefore, the rejections under § 103(a) should be withdrawn. *See In re Rouffet*, 149 F.3d 1350 (Fed. Cir. 1998).

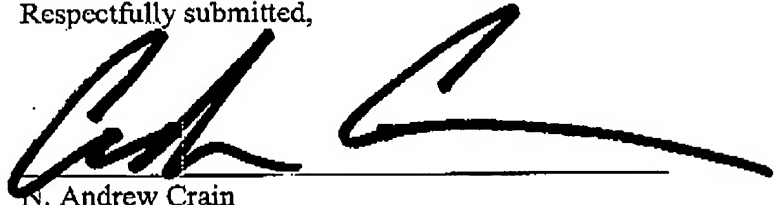
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### CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 1-21 are patentable. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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